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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

NGUYEN, TAN D

ART UNIT PAPER NUMBER

3629

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,225

Applicant(s)

AZUMA, NOBUHIRO

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/817,225.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed 7/27/06 has been entered.

(2) Claim Status

Independent Claims 1, 2, 3, 4 are active and are rejected as followed.

(3) Claim Rejections - 35 USC § 112

1. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The 1st step of method claim 2 and 2nd step of method claim 4 of:

“evaluating accuracy of real estate business deal introduction information ... indicating whether a plurality of items are accurate” is vague and indefinite. How the evaluation the accuracy of the real estate business deal introduction information is carried out? A citation or an example in the specification to clarify this point is requested to overcome the rejection. Similarly, the systems of 1 and 3 are rejected for similar reasons set forth in the method claims 2 and 4 above.

Response to Arguments: Applicant's comment that the specification, for example, at least at page 12, line 9 to page 13, line 1 and Fig. 9, explains how to carry out this “evaluation accuracy” step. However, revealing the cited paragraphs indicates there is discussion about the confirmation of information (CGI program 206) and the transfer of the parameters but there is no citation with respect to “evaluating accuracy of the real estate business deal introduction information”.

(4) Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 4, 2 (methods), 1 and 3 (systems) are rejected under 35 U.S.C. 103(a) as being obvious over Applicant Admitted Prior Art (or AAPA) in view of STOREY or vice versa.**

As for independent Method claims 4 and 2, which have similar limitations, AAPA, as shown on page 1, under "Description of the Related Art", discloses that in the real estate business, gathering or holding business deal information is very important to win a large number of orders (purchase or buying) whether the deal is closed or not and the gathering step has been mainly performed by hand (manually or personally) and not put into a computer system for efficient access. Furthermore, the information gathering range is limited to the personnel connection of each agent and useful information cannot be quickly gathered in volume.

In a system for managing business transaction (deal), **STOREY** discloses discloses disadvantages for handling the awarded points manually such as no immediacy effect and discloses an automatic method for managing a business transaction (purchase of an item, such as ordering a merchandise or product) and managing the award/reward points related to the transaction to registered (or enrolled)

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members of a group in accordance with registered member point files stored in a computer connected to a network so that the rewarded points can be utilized immediately upon confirmation {col. 1, lines 55-60, col. 2, lines 12-30, see Fig. 2, (180E), col. 5, lines 44-57}, comprising:

(a) allowing the computer connected to the network (or online or Internet) to receive the information provided from a user terminal connected to the electronic network, and evaluating accuracy of information whether a plurality of items (some information) which are included in purchase information supplied from the registered member, are accurate (or checking or verifying some user input information) {Fig. 2, (140), col. 5, lines 8-10, 20-25 (or col. 5:8-10, 20-25) some information such as credit card information, i.e. (1) credit card number and (2) dollar amount), col. 5:28-35 "Credit Check"} and;

(b) adding or incrementing a number of reward points in the registered member point file of the registered member supplying information, for each of the plurality of items confirmed to be accurate (see Fig. 2, 170. 180E, 190, 200, col. 5:44-55). As for the limitation of receiving the information from a user terminal, this is taught in col. 5:1-10 wherein the user feeds in a lot of information from his terminal to the on-line network. Note, that the term "user" is broad and could include any one who uses the system or element of Fig. 2. Alternatively, since the method is carried out online or on the Internet, the use of computer to connect to the network is inherently in Fig. 2 of STOREY or would have been obvious to install them to allow the accessing and functioning on the Internet.

It would have been obvious to modify the manual data/information management of real estate business deal/transaction of AAPA by using the on-line, interactive computer automated system of STOREY as mere obvious replacing of manual activity with automatic means to achieve well known benefits such as immediate access to the deal information and points on the on-line/Internet network as taught by STOREY above. See also In re Vennel, 120 UQ 192.

Alternatively, it would have been obvious to modify the manual management of real estate business deal/transaction of AAPA by using the computer automated system of STOREY for the advantage of providing automatic, on-line, interactive award redemption program which is fully integrated {see col. 1, lines 13-15, or lines 62-64}.

Vice versa, it would have been obvious to modify the teachings of STOREY by changing the purchased item/product from merchandise/product to house (real estate) as taught by AAPA as mere replacing similar purchase item/product to achieve similar results.

Note also that the evaluating/checking/verifying of other similar or desired business transaction/deal information using the same managing/checking steps above to achieve similar result would have been obvious to a skilled artisan, experienced businessperson with a college degree, as mere using other similar/equivalent business steps to achieve similar results, absent evidence of unexpected results.

As for Independent apparatus claims 1 and 3, which have similar limitations as in method claims 2, and 4, STOREY in view of AAPA or vice versa would disclose a business information managing system of registered/enrolled members comprising:

(a) a real estate (house) business information reception unit formed in a part of a computer connected to an electronic network for receiving real estate (house) purchase information from a registered member containing a plurality of items over the electronic network {see Fig. 2, 130, 150P, 170, 180E, col. 5:1-45},

(b) a registered member point file formed in a part of the computer, the registered member point file managing points attributed to each of the registered member {see c5:45-55},

(c) a confirmation information reception unit formed in a part of the computer, the confirming unit confirm the accuracy of real estate deal information sent from user terminals by registered members {see col. 5:8-10, 24-33, col. 7:60-67, col. 8:1-8}, and

(d) a point accumulation unit connected to the network, said point accumulation unit adjusting points earned by registered members based on whether information sent from user terminal by registered member is confirmed by the confirmation information reception unit {see Fig. 2, 190, 200, 210}. As for the limitation of receiving the information from a user terminal, this is taught in c5:1-10 wherein the user feeds in a lot of information from his terminal to the on-line network. Note, that the term "user" is broad and could include any one who uses the system or element of Fig. 2.

Alternatively, since the method is carried out online or on the Internet, the use of computer to connect to the network is inherently in Fig. 2 of STOREY or would have been obvious to install them to allow the accessing and functioning on the Internet.

Alternatively, the evaluating/checking/verifying of other similar or desired business transaction/deal information using the same managing/checking steps above

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to achieve similar result would have been obvious to a skilled artisan, experienced businessperson with a college degree, as mere using other similar/equivalent business steps to achieve similar results, absent evidence of unexpected results.

Alternatively, as for Independent apparatus claims 1 and 3, which are the respective elements to carry out the steps of method claims 2 and 4 above, they are rejected over the elements to carry out the steps as indicated in the rejections of claims 1 and 3 above.

Response to Arguments

4. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The main concept is the conversion of manual collection/gathering and holding of information as indicated in AAPA and the Background of the Invention of STOREY (col. 1) to the new automated data collection/gathering and storing the information on databases of the wide area computer network (Internet/online) of STOREY wherein the user can access the gathered information and use the data immediately. As for the difference in the type of business transactions, type of business information/data, these are not essential and would have been obvious to a skilled artisan, computer scientist. Data stored on a database are data and the type of data are considered as non-functional descriptive material and have no patentable weight. Alternatively, the same data base and computer network system can be applied to variety of business

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applications whether it deals with house purchase or item purchase. The difference in the purchased item is not critical.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 5,692,206 discloses a method and apparatus for automating the generation of legal document.

2) US 6,226,623, discloses a global financial services integration system and process.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

No claims are allowed.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
October 4, 2006



DEAN T. NGUYEN
PRIMARY EXAMINER